

REMARKS

Claims 1-6 and 8-21 are currently pending in the application. Claims 12-21 were withdrawn from consideration. No amendment has been proposed.

Examiner Interview

A telephone interview was conducted on February 10, 2011 for the present application. The courtesy extended by Examiner Maple during the telephone interview to Applicant's representative, Sadao Kinashi, is gratefully appreciated.

It is respectfully submitted that this Statement of Substance of Interview clearly reflects the substance of the telephone interview.

Statement of Substance of Interview

In the Office Action of 02/08/2011, the Examiner alleged as follows:

This application is in condition for allowance except for the presence of claims 12-21 directed to an invention non-elected with traverse in the reply filed on 30 March 2010. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR1.144).

However, the withdrawn claims 12-21 should be rejoined because of the following reasons:

The present application is a national stage application under 35 USC §371, and unity of invention under PCT Rule 13 is applied.

In the Office Action dated January 15, 2010, restriction was made alleging as follows:

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-11, drawn to a solid electrolyte.

Group II, claims 12-21, drawn to a lithium ion secondary battery.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: **the special technical feature of claim 1 does not contribute over the art, because as set forth in the 29 May 2006 mailing date of the PCT International Search Report, there are many references designated as under the category "X" as meeting the limitations of claim 1 and therefore the claims do not contribute over the art.**

Thus, the restriction was made alleging that Groups I and II lack the same or corresponding special technical features because claim 1 is not patentable. Applicants responded as follows:

Applicant hereby elects the subject matter of Group I, Claims 1-11 drawn to a solid electrolyte for prosecution in this application. This election is made **with traverse**. This application is a US national stage of **PCT application**. Group I and Group II have the same or corresponding special technical features and satisfy unity of invention under PCT Rule 13.2. The patentability of the present invention will be alleged upon receiving an Office Action on the merits.

Now in the Office Action dated 02/08/2011, the Examiner agrees that claim 1 is allowable.

Withdrawn claim 12 recites as follows:

12. (Withdrawn): A lithium ion secondary battery comprising a solid electrolyte as defined in claim 1.

Thus, between claim 1 and claim 12, there is a technical relationship involving one or more of the same or corresponding special technical features which define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Claims 13 to 21 directly or indirectly depend from claim 12.

Thus, allowed claims 1-6 and 8-11 and withdrawn claims 12-21 satisfy the Unity of Invention under PCT Rule 13.

In the Examiner Interview, the Examiner agreed to consider about the rejoinder of claims 12-21 upon the filing of this paper.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/Sadao Kinashi/
Sadao Kinashi
Attorney for Applicant
Registration No. 48,075
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

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